

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2336 - SB 2265

March 23, 2009

SUMMARY OF BILL: Authorizes the release of medical records through written authorization of the patient or written request of a Department of Health investigator, inspector, or surveyor without the need for approval by an independent reviewer. A health care provider's ability to petition the chancery court to challenge the reasonableness of the request for records is eliminated. Certain information including allegations, complainant's identifying information, witness's identifying information when requesting anonymity, patient's identifying information, patient's medical records, and investigation, inspection or survey reports shall not be a public record before the filing of formal disciplinary charges. Only materials and documents upon which the charges are based may be disclosed as a public record.

ESTIMATED FISCAL IMPACT:

**Decrease State Expenditures – Not Significant
/Division of Health Related Boards**

Assumptions:

- The proposed legislation removes the requirement that the Department of Health receive approval from an independent reviewer prior to obtaining medical records. The elimination of this step in the investigation process will not result in a significant decrease in expenditures.
- The elimination of possible reasonableness hearings in chancery court will not result in a significant decrease in expenditures for the Division of Health Related Boards to be represented at the hearing.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division of Health Related Boards had a positive balance of \$1,000,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/kml